

TENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE

SENATE BILL
NO. 10-56

SECOND REGULAR SESSION, 1996

AN ACT

To amend 1 CMC § 3706 to permit the filing of documents for recording with the Commonwealth Recorder at the Office of the Clerk of Court in the First and Second Senatorial Districts; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings. The Legislature finds that requiring residents of Tinian and Rota to travel to Saipan whenever they have document which needs to be filed with the Commonwealth Recorder imposes significant additional burden and expenses on citizens of the First and Second Senatorial Districts. In addition, because recipients of interests in land are protected against subsequent purchasers only once the interest is recorded, the delays in recording that may result from the present system place residents of Rota and Tinian at increased risk. The purpose of this Act is to remedy those inequities and alleviate these difficulties by providing an efficient and effective means by which documents can be filed for recording through the Rota and Tinian offices of the Clerk of Court for the Commonwealth Superior Court. At the present time, we have only one title insurance company left operating on island. Their greatest concern is the “lag time” between filing a document with the clerk of court on Tinian or Rota, and the arrival and acceptance of the document on Saipan. The Legislature further finds that the aforementioned changes may significantly add to the cost of their doing business here in the Commonwealth. Therefore, the Legislature finds that it is necessary to install computers with scanners on Tinian and Rota. Documents filed there would be scanned and then transmitted to saipan instantly in electronic form.

Section 2. Amendment. 1 CMC § 3706 is amended by redesignating the existing text as subsection (a) and adding new subsections (b) through (d) to read:

“(b) Any document authorized by law to be recorded may be filed with the Office of the Clerk of the Superior Court on Rota or Tinian for transmission to the Commonwealth Recorder. The Office of the Clerk of Court shall time-stamp the document and collect the required fee. The Rota or Tinian Office of the Clerk of Court, as the case may be, shall promptly notify the Commonwealth Recorder’s Office on Saipan by facsimile, or other electronic means, of the nature of the interest and a brief description of the property and shall transmit all documents so filed to the Commonwealth Recorder on Saipan on a daily basis, together with accounting fees collected.

(c) Documents filed in accordance with subsection (b) shall be deemed recorded as of the

date and time they were filed with the Office of the Clerk of Court. In the event a document is rejected by the Commonwealth Recorder for failure to conform the requirements of 1 CMC § 3709 or 2 CMC § 4913, the person who filed the document shall be notified promptly, and the document shall not be deemed recorded until such day and time as a conforming copy is recorded or filed.

(d) The Presiding Judge may supplement the provisions of this section by rule.”

Section 3. Severability. If any provision of this Act or application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant or prior law. The enactment of this Act shall not have the effect to terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Jesus R. Sablan
JESUS R. SABLAN
PRESIDENT OF THE SENATE

/s/ Henry Dlg. San Nicolas
HENRY DLG. SAN NICOLAS
SENATE LEGISLATIVE SECRETARY

Approved this 4th day of October, 1996.

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS